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NO. 8128 P. 1

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ART UNIT 1653**
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Date: **March 30, 2004**
Pages to follow: **7**

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**TRANSMITTAL FORM, EXT. OF TIME REQUEST AND RESPONSE TO RESTRICTION
REQUIREMENT**

Application Number: 09/868,395

Filing Date: 09/06/2001

Title: COMPOUNDS USEFUL IN THE TREATMENT OF INFLAMMATORY DISEASES

First Named Inventor: ARMOUR, Duncan Robert, et. al.

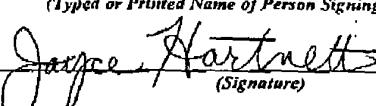
Art Unit: 1653

Examiner: David Lukton

Docket Number: PG3612USW

MAR. 30. 2004 2:15PM GW GLOBAL R&D IS

NO. 8128 P. 2

CERTIFICATE OF TRANSMISSION BY FACSIMILE (37 CFR 1.8) Applicant(s): ARMOUR, Duncan Robert, et. al.			Docket No. PG3612USW
Serial No. 09/868,395	Filing Date September 6, 2001	Examiner David Lukton	Group Art Unit 1653
Invention: COMPOUNDS USEFUL IN THE TREATMENT OF INFLAMMATORY DISEASES			
<p>I hereby certify that this <u>Amendment Trnsmtl. Ltr. w/Ext. of Time and Response to Restriction Regrment.</u> <small>(Identify type of correspondence)</small> is being facsimile transmitted to the United States Patent and Trademark Office (Fax. No. <u>703/872-9306</u> on <u>March 30, 2004</u> <small>(Date)</small></p> <p style="text-align: center;"><u>Joyce Hartnett</u> <small>(Typed or Printed Name of Person Signing Certificate)</small>  <small>(Signature)</small></p>			

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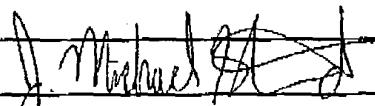
(to be used for all correspondence after initial filing)

	Application Number	09/868,395	
	Filing Date	September 6, 2001	
	First Named Inventor	ARMOUR, Duncan Robert, et. al.	
	Art Unit	1653	
	Examiner Name	David Lukton	
Total Number of Pages in This Submission		Attorney Docket Number	PG3612USW

ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input checked="" type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	J. Michael Strickland - Registration No. 47,115
Signature	
Date	March 30 , 2004

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Typed or printed name	Joyce Hartnett	Date	March , 2004
Signature			

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MAR 30 2004

In re Application of : Armour et al.
Serial No. : 09/868,395
Filing Date : September 6, 2001
Title : *Compounds Useful in the Treatment of Inflammatory Diseases*

OFFICIAL

Grp. /A.U. : 1653
Examiner : Lukton, David
Confirmation No. : 8883
Docket No. : PG3612USw

Commissioner for Patents
P.O. Box 1450
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RESPONSE TO RESTRICTION REQUIREMENT

Sir:

This Response is submitted to respond to the Office Action mailed February 20, 2004.

Remarks begin on page 2 of this response.

Serial No. 09/868,395
Attorney Docket No. PG3612USw

REMARKS

The Office Action states that restriction to one of the following inventions is required under 35 U.S.C. § 121:

1. Claims 29-44 and 46, drawn to compounds.
2. Claim 45, drawn to a combination.
3. Claim 47, drawn to a method of using compounds.
4. Claim 48, drawn to a method of making compounds.
5. Claims 49, 51, and 52 drawn to synthetic intermediates.
6. Claim 50, drawn to synthetic intermediates.
7. Claims 53 and 54, drawn to synthetic intermediates.
8. Claim 55, drawn to synthetic intermediates.

Applicants hereby elect the invention of Group 1, claims 29-44 and 46, without traverse. This election is made without traverse because the Applicants agree with the Examiner that the invention of Group 1 is separately patentable from the inventions of Groups 2-8. Applicants understand, however, that as Applicants have elected the claims of Group 1, the claims of Groups 3 and 4 will be re-joined for further examination upon a finding that the claims of Group 1 are allowable.

The Office Action further states that Applicants are required to elect a single species from the claims of Group 1. In response to this election of species requirement, Applicants hereby elect the following species for prosecution: (2S)-3-{4-((4-aminocarbonyl)-1-piperidinyl]carbonyl}oxy)phenyl]-2-[((2S)-4-methyl-2-{[2-(2-methylphenoxy)acetyl]amino}pentanoyl)amino]propanoic acid. Claims 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 42, 43, 44, and 46 are readable on the elected species.

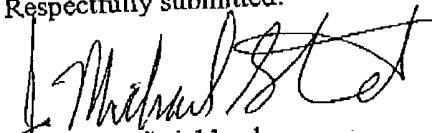
Applicants understand that upon the allowance of a generic claim, Applicants will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141.

The concerns of the Examiner addressed in full, Applicants respectfully request the examination of the present application and the issuance of a Notice of Allowance forthwith.

Serial No. 09/868,395
Attorney Docket No. PG3612USw

Applicants encourage the Examiner to direct any questions regarding this application to the undersigned, who may be contacted at (919) 483-9024.

Respectfully submitted:


Michael Strickland
Attorney for Applicants
Reg. No. 47,115

Date: March 30, 2004
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